

**DURHAM CITY COUNCIL WORK SESSION  
THURSDAY, JULY 22, 2004 – 1:00 P.M.  
Committee Room – 2<sup>nd</sup> Floor – City Hall**

**Please note: The work session convened at 5:00 p.m.**

**SUBJECT: REVIEW OF GRANT FUND ALLOCATION RECOMMENDATION  
AND ADOPTION OF PROPOSED GRANT PROJECT ORDINANCE –  
U. S. DEPARTMENT OF JUSTICE GRANT AWARD**

**MOTION** by Council Member Clement seconded by Council Member Catotti to suspend the rules of the City Council to hold a public hearing and take action on the above mentioned subject was approved at 4:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Police Chief Chalmers noted the city applied for and received a local law enforcement block grant that is administered by the U. S. Department of Justice/Bureau of Justice Assistance. He noted the grant is awarded to law enforcement agencies to underwrite projects; to reduce crime and improve public safety. He noted the amount received is \$83, 130.56 and asked council to approve the item as printed on the agenda.

Chief Chalmers stated they will be funding an assistant district attorney to serve as a gang prosecutor in the amount of \$50,000.00. Also, he noted they will be awarding \$5,000 to each of the five PACs and the reminding \$8,000 will be used to purchase portable digital video recorder for surveillance to address some of the property crimes.

District Attorney Jim Hardin made comments on the assistant district attorney serving as a gang prosecutor.

Chief Chalmers made comments on how the grant was obtained. Also, he made comments on the 50/50 split between the County and City.

Mayor Bell opened the public hearing.

There was no one present to speak on this item. The Mayor closed the public hearing.

**MOTION** by Council Member Clement seconded by Council Member Catotti to conduct a public hearing and receive public comments on the U.S. Department of Justice Grant Award; and

To authorize the City Manager to accept the U.S. Department of Justice Grant Award in the amount of \$74,817; and

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To adopt the U.S. Department of Justice, Bureau of Justice Assistance, 2004 Local Law Enforcement Block Grant Project Ordinance was approved at 5:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Ordinance #12990**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the following site plans was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – ROXBORO ROAD PROFESSIONAL PARK  
(D04-171) – ROXBORO ROAD OFFICE PARTNERS, LLC**

**MOTION** Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a site plan for “Roxboro Road Professional Park”, submitted by the John R. McAdams Company on behalf of Roxboro Road Office Partners, LLC, for two one-story office buildings totaling 17,000 square feet with 122 parking spaces on a 2.9 acre site zoned OI-2 and F/J-B, located on the east side of N. Roxboro Road and north of Pacific Avenue, PIN 0823-12-86-6593, City Atlas Page 12, Block D-1 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – TREYBURN  
FOREST PHASE 1 (D03-420) –VINTAGE HILL PARKWAY AND  
SNOWHILL DRIVE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for 47 single family lots on a 56.17 acre site zoned PDR 2.24 and M/LR-A and F/J-B located north of a proposed extension of Vintage Hill Parkway and west of Snowhill Drive, adjacent to the Little River Reservoir and will be accessed via Vintage Hill Parkway and Snowhill Drive, PIN 0835-02-69-3258, 0835-02-78-0302, 0835-01-39-4090 (part), City Atlas page 3, blocks C-2 and D-2 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT “GLENNSTONE  
PHASE III”- CASE D04-069 – GLENN ROAD AND JEFFERIES  
ROAD**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for “Glennstone”; submitted by R.L. Horvath Associates Inc., on behalf of Cimland, LLC, for Phase III (125 lots) of a 203 single family cluster development on a 160.116 acre site zoned R-10, RD, F/J-A and F/J-B, property is located on both sides of Glenn Road south of the intersection with Jefferies Road in northeast Durham, PIN 0843-02-78-7463 (et al.) City Atlas Page 14, Block D-2 and C-2 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT – ABERNATHY  
PLACE – CASE D03-677 – BARBEE CHAPEL ROAD AND  
DOWNING CREEK PARKWAY**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for 28 two-story townhomes with garages, in six buildings, on a 4.648 acre portion of a 5.126 acre site with a buffer variation for reduction in shrubs in the northern buffer, the proposed townhomes site is zoned PDR 6.024 and F/J-B and will be located on the northeast side of Barbee Chapel Road, west of Downing Creek Parkway and will be accessed via a new public street off of Barbee Chapel Road, PIN 9798-04-90-1481, City Atlas page 93, Block D-3 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN - DURHAM TECHNICAL COMMUNITY  
COLLEGE STUDENT SERVICES AND CLASSROOM BUILDING  
CASE D04-678 – 1637 EAST LAWSON STREET BETWEEN**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan for 'Durham Technical Community College Student Services and Classroom Building', submitted by Haden-Stanziale, PA. on behalf of Durham Technical Community College, for 2 buildings with a total of 69,978 square feet on a +2.98 acre site zoned I-2, the property is located at 1637 East Lawson Street, between Cooper and Lawson Streets, PIN number 0830-07-1037, 3047, City Atlas Page 30, Block B-2 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

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**SUBJECT: SITE PLAN AND PRELIMINARY PLAT – BRIGHTWOODS TRAILS – CASE D03-782 – SHERRON ROAD AND EAST OF MINERAL SPRINGS ROAD**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for “Brightwoods Trails”, submitted by Bass, Nixon & Kennedy, Inc. on behalf of St. Lawrence Homes, for 339 single family detached units on a 146.9 acre site zoned PDR 3.99 and F/J-B, the property is located on the south side of Sherron Road and east of Mineral Springs Road, PIN 0850-02-75-7790, 0850-02-85-9943, City Atlas Page 32, Block D-1 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR STONE HILL ESTATES SUBDIVISION – CASE D04-066 – NC 98 WEST OF MINERAL SPRINGS ROAD SOUTH OF FREEMAN ROAD**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for “Stone Hill Estates Subdivision”, submitted by R. L. Horvath Associates, Inc., on behalf of Durham Land Associates, LLC, for 184 single-family residential lots on an approximately 113.218 acre site zoned R-10(D) and the filling of 0.37% of the floodway fringe to allow for the construction of two dry detention ponds, the property is located on the north side of NC Hwy. 98, west of Mineral Springs Road and south of Freeman Road, PIN 0851-01-37-0192, 0851-01-26-1898, 0851-01-27-6990, 0851-01-15-9118 and 0851-03-13-7599, City Atlas Page 26, Blocks A-1, B-1; Page 31, Block D-4; Page 32, Block A-4 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PRELIMINARY PLAT FOR FALLKIRK SUBDIVISION - CASE D04-070 – COOK ROAD NORTH OF JULIETTE DRIVE AND WEST OF BAYPOINT DRIVE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a preliminary plat for “Fallkirk Subdivision”, submitted by Tony M. Tate Landscape Architecture, P.A., on behalf of Perimeters Developers, LLC, for 72 single-family clustered residential lots on an approximately 20.09 acre site zoned R-10, the property is located on the east side of Cook Road, north of Juliette Drive and west of Baypoint Drive. PIN 0729-01-27-2043, 3063, 4063, 6013, 7053, 9023, 5362, 7321, 8372, 9382 (portion) 37-0383 (portion) and 0729-01-26-8753, City Atlas Page 37, Blocks A-1, B-1 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR GRANDALE SUBDIVISION – CASE D03-730 – GRANDALE DRIVE AND SCOTT KING ROAD**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a major site plan and preliminary plat for “Grandale Subdivision”, submitted by Priest, Craven and Associates, Inc., on behalf of Centex Homes, for 214 single-family residential lots on an approximately 135.21 acre site zoned PDR 1.66 and F/J-B, the property is located on the west side of Grandale Drive and north of Scott King Road. PIN 0727-01-36-7805, City Atlas Page 50, Blocks B-1, B-2 and Page 55, Block B-4 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: REVISIONS TO ADOPTED DEVELOPMENT PLAN AND MAJOR SITE PLAN APPROVAL – ERWIN TERRACE PHASE III – CASE D03-731 – LAMBETH CIRCLE NORTHWEST OF ERWIN ROAD AND LASALLE STREET**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve a shift in the location of required pedestrian space, shown on the most recently approved development plan amendment for Erwin Terrace, and a site plan for Phase III with an increase in building height to five stories, Phase III consists of a 56,395 square foot office and retail building with a ground level parking garage for 30 cars and three bicycles, two drive-up windows and an automated teller machine, the project is proposed with a net gain of 60 motorized vehicle parking spaces (12 existing spaces will be removed) on a portion of a 9.7 acre site zoned MU(D), located on both sides of Lambeth Circle, northwest of Erwin Road and southwest of LaSalle Street, PIN 0812-19-51-4406, 0812-19-51-0374, City Atlas page 57, Block C-3 was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: LOAN SERVICING AGREEMENT WITH AMERINATIONAL COMMUNITY SERVICES, INC.**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Best to suspend the rules of the City Council and take action on the above mentioned subject was approved at 5:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro

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Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith.  
Noes: None. Absent: None.

A representative of AmeriNational addressed the Council on the demographics of the company and the servicing of the loans.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to accept the proposal provided by AmeriNational Community Services, Inc. for servicing of the complete loan portfolio of the City of Durham, including but not limited to Residential Mortgage Loans, Developer Mortgage Loans, and Economic/Commercial Development Loans; and

To authorize the City Manager to execute a contract for a three year period with AmeriNational Community Services, Inc. in the amount not to exceed \$270,687; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 5:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: OPTIONAL RELOCATION ASSISTANCE POLICY FOR  
DISPLACED BARNES AVENUE HOMEOWNERS**

Judy Simuel, of General Services, asked the council to provide additional financing for property owners. It was noted that one of the goals of the Barnes Avenue Revitalization initiative is to provide home ownership opportunities to residents of Barnes Avenue, and to promote home ownership to other low and moderate-income persons. The Optional Relocation Assistance Policy will ensure that the displaced Barnes Avenue homeowners have the ability to maintain homeownership status by purchasing affordable decent, safe and sanitary replacement housing.

The administration noted housing bond funds will be used to provide financial assistance to the displaced Barnes Avenue homeowners. It is estimated that the maximum cost to assist two displaced homeowners will be \$250,000, with a \$125,000 ceiling on assistance to any one homeowner.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to suspend the rules of the City Council and take action on the above mentioned subject was approved at 5:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Discussion was held by the Council on the additional financing and the relocation assistance policy.

Council Member Best raised concern with the policy.

Mayor Bell made comments noting the Barnes Avenue project is needed and the reason he was in support of the item being presented.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to adopt an Optional Relocation Assistance Policy for displaced Barnes Avenue Homeowners in the Barnes Avenue Redevelopment Area was approved at 6:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

### Optional Relocation Assistance Policy

In order to provide opportunities for decent, safe, sanitary and affordable housing for displaced homeowners in the Barnes Avenue Redevelopment Area, Optional Relocation Assistance will be extended to displaced homeowners who meet the following criteria:

- The displaced homeowner must have been an owner-occupant for 180 days prior to the City's offer to purchase the property on Barnes Avenue; and
- The displaced homeowner must have been unable to obtain a mortgage loan from a private financial institution to purchase the replacement dwelling; and
- The displaced homeowner must provide written documentation from the lender as proof that they were declined financing to purchase the replacement dwelling.

In accordance with this Policy, the City will provide financial assistance to displaced homeowners who meet the above criteria. The assistance shall not exceed \$125,000. The following program guidelines set forth the terms and conditions of a no interest loan to eligible homeowners who are displaced by the Barnes Avenue Redevelopment Project:

- Total household income cannot exceed 80% of median family income for the Raleigh/Durham/Chapel Hill area, as defined by, and revised from time to time by, HUD;
- Maximum City first or second loan amount shall not exceed \$125,000;
- Interest rate – 0%;
- Should the terms of the loan be violated, the interest rate shall go to 8%;
- Loan term – 30 years;

- Required down payment - \$500;
- The applicant must qualify for a mortgage loan in accordance with the City of Durham Residential Mortgage Loan Program Underwriting Guidelines;
- The applicant must attend a three-day homeownership education workshop; and a one/two hour individual counseling session with a counselor at Consumer Credit Counseling Services.
- All loans require immediate amortized repayment in monthly installments and are secured with a Deed of Trust and Promissory Note;
- Property must meet minimum housing code and/or HUD Housing Quality Standards;
- Must purchase property within Durham city/county limits; and
- The purchaser will occupy the property as their principal residence, and will continue to use the property as their principal residence for at least five years from the date of purchase.

If it is determined that the displaced homeowner does not qualify for a mortgage loan from the City, the displaced homeowner may be eligible to receive a grant to repurchase a replacement dwelling. Eligibility to receive a grant will be based on the following guidelines:

- The applicant does not qualify for a mortgage loan in accordance with the City of Durham Residential Mortgage Loan Program Underwriting Guidelines;
- Total household income cannot exceed 80% of the median family income for the Raleigh/Durham/Chapel Hill area, as defined by, and revised from time to time by, HUD;
- The City's maximum grant amount is not to exceed \$125,000;
- The applicant must attend a three-day homeownership education workshop; and a one/two hour individual counseling session with a counselor at Consumer Credit Counseling Services.
- Property must meet minimum housing code and/or HUD Housing Quality Standards;
- Must purchase property within Durham city/county limits; and
- The purchaser will occupy the property as their principal residence, and will continue to use the property as their principal residence for at least five years from the date of purchase.



**SUBJECT: CONTRACTS**

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to suspend the rules of the City Council and take action on the Bimbe contracts was approved at 6:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**MOTION** by Council Member Stith seconded by Council Member Catotti to approve the Bimbe contracts was approved at 6:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: PROFESSIONAL FIREFIGHTERS OF DURHAM LOCAL 668**

**MOTION** by Council Member Catotti seconded by Council Member Brown to suspend the rules of the City Council and take action on the above mentioned subject was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**MOTION** by Council Member Catotti seconded by Council Member Brown to receive a report from the administration referencing an exclusion of Durham Local 668 in regards to the Solicitation Ordinance; and

To adopt a resolution establishing a fee for a median permit under City Code Section 17-55 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**Resolution #9135**

D. Ann Gray, CMC  
City Clerk

